

**MEMO ENDORSED****U.S. Department of Justice**

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 18, 2023

By ECF

Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Joyner, et al., 21 Cr. 673 (ALC)*

USDC SDNY
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ELECTRONICALLY FILED
DOC#: _____
DATE FILED: 1/18/23

Dear Judge Carter:

A pretrial conference was scheduled in the above-captioned case for tomorrow January 19, 2023 at 12:00 p.m. Due to the COVID-19 pandemic and its resulting limitations on the production of detained defendants for court appearances, the parties understand from the U.S. Marshals that defendant Starlin Nunez will not be able to be produced tomorrow as his unit at the Westchester County Jail is currently under quarantine. As such, counsel for Mr. Nunez communicated to the Government his request that the pretrial conference be adjourned. The Government consents to this request and understands that the Court has availability to conduct the pretrial conference on February 9, 2023 at 2:00 p.m. The Government has conferred with counsel for each of the remaining defendants in the case and confirmed that all such parties consent to the adjournment of the pretrial conference.

The Government also respectfully requests that the Court exclude time between January 19, 2023, and February 9, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A). The ends of justice served by granting such exclusion outweigh the best interest of the public and the defendants in a speedy trial, for the following reasons. First, the exclusion is warranted in light of the COVID-19 pandemic and its resulting limitations on the ability to timely produce in-custody defendants for court conferences. Second, the exclusion will also provide additional time for the Government to continue engaging in pretrial resolution discussions with each defendant. Counsel for each defendant has consented to this request on behalf of their respective clients.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney
Southern District of New York

By:

Aline R. Flodr / Jonathan E. Rebolt
Daniel H. Wolf
Assistant United States Attorneys
Tel: (212) 637-1110 / 2512 / 2337

cc: Counsel of Record, Esq.

The application is **GRANTED**. The status conference is adjourned to 2/9/23 at 2:00 p.m. Time excluded from 1/19/23 to 2/9/23 in the interest of justice. So Ordered.

1/18/23